

INTERVIEW SUMMARY

1. App. Rep. phoned to discuss the claims filed with the RCE submission of 20 APR 2009. The examiner stated that new claim 42 would be rejected over the EP '905 and EP '138 references, if not other prior art as well, since the claim is simply drawn to a glass lined baffle in a glass lined container which the examiner believes to be clearly disclosed by the prior art. The last line of claim 42, in the examiner's opinion, does not define any structure whatsoever and thus cannot define this apparatus claim over the prior art and is likely an inherent property of the prior art arrangements. App. Rep. stated claim 42 may be cancelled to further prosecution.
2. The examiner stated the claim revisions to claims 21 and 37 define over EP '905 and this reference would be used to reject claim 42 only.
3. The examiner stated EP '138 would be used to reject claims 21, 37, and 42 and many of the dependent claims. The examiner rebutted each of Applicant's arguments filed 20 APR 2009 regarding the alleged deficiencies if EP '138. The examiner stated each plate 5 (which the examiner considers structurally equivalent to a baffle within the broad scope of this term) is connected to a single arm 4 which is then connected to the internal wall of the container formed by the intermediate element 3. App. Rep. argued the element 3 is not part of the internal wall of the container but the examiner argued that the radially innermost wall portion of the element 3 clearly forms a wall region between the top 2 and bottom 1 portions of the container. For example, if the element 3 were removed, there would clearly exist a gap in the wall between sections 1 and 2 so it follows that element 3 does form part of the internal wall of the container to which a

single arm 4 is attached which holds a single baffle plate 5. Thus, the examiner concluded that the arm 4 is indeed connected to the internal wall of the container. App. Rep. also argued the presence of element 6 at the bottom of the plates 5 falls outside the scope of the recited "only a single local connection". However, the examiner stated element 6 has no connection to the internal wall of the container whatsoever and the claims are not drafted to preclude the presence of the element 6. App. Rep. discussed some negative limitations that would preclude the existence of element 6 but the examiner frowned on such negative limitations and pointed out any such limitations must comply with 35 U.S.C 112 and the examiner could not reliably comment on the patentability of such limitations. Accordingly, no agreement was reached on the different interpretations of the EP '138 reference but the examiner reiterated that EP '138 would be used under 35 U.S.C 102 to reject many of the pending claims appearing in the 20 APR 2009 response.

4. To break the stalemate over EP '138, the examiner suggested language to at least claim 21 regarding the location of the local connection with respect to the baffle which would define over EP '138 and which is generic to the language of amended claim 25 which is considered allowable over EP '138.

5. The examiner stated claim 37 which lacks some of the subject matter of claim 21 may indeed be subject to prior art rejections since much of the prior art consists of baffles with non-rounded edges and angles and the concept of glass lining a container and the baffles is known from the prior art. App. Rep. will consider these remarks and may further amend claim 37 or cancel the claim.

6. App. Rep. will consult with the inventors in view of this discussion and respond accordingly.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Charles E Cooley/
Charles E. Cooley
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Art Unit 1797